

MINUTES OF BENTON COUNTY QUORUM COURT

May 22, 2014

A regular meeting of the Benton County Quorum Court was held on Thursday, May 22, 2014 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

Quorum Court Coordinator Janet Reaves called roll as follows:

13 JPs Present: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams,
Jones, Anglin, Chiocco, Curry, Moore, Carr, Meyers,
2 Absent: *Sandlin, Moehring

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Chris Escher of Faith Bentonville Church led the prayer.

CHANGES TO THE AGENDA:

None

*JP Sandlin entered the meeting.

MINUTES:

JP J. Harrison made motion to approve the minutes of the April 24, 2014 Quorum Court Meeting as distributed, seconded by JP Sandlin.

Motion passed by unanimous voice vote.

Minutes approved.

ELECTED OFFICIALS REPORTS:

None

COUNTY JUDGE'S REPORT:

County Judge Bob Clinard reported that: 1) Courthouse Feasibility discussions are ongoing and that they are looking at options for financing; 2) FEMA flood damage repair is nearing completion, and that they are awaiting paperwork for two bridges from FEMA; 3) Fisher Ford Bridge and Colonel Meyers Bridge are under construction; 4) construction on Windmill Road is ongoing; 5) the City of Bentonville has agreed to request State Aid for improving NE J Street from Tiger Blvd to Price Coffee Road; 6) the May Benton County Property Disposal Report is complete.

COMMITTEE REPORTS:

JP Allen reported the Finance Committee had met and that sales tax revenue is up, and that lengthy discussion was held on funding Emergency Medical Services (EMS.)

PUBLIC COMMENTS:

Ozark Regional Transit Executive Director Joel Gardner reported that Ozark Regional Transit has increased their ridership in Benton County. He stated they are reaching out to the more rural areas, and that ridership continues to grow.

Vickie Carroll of Rogers voiced her opinion regarding Emergency Medical Services and stated that businesses should also have to pay a fee.

Randall Ward of Garfield urged the court not to add the per-household fee on the residents living in the NEBCO area.

Benton County Quorum Court
Minutes
May 22, 2014

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Jones.

Motion passed by unanimous voice vote.

OLD BUSINESS:

- (A) Second Reading of Proposed Ordinance to Amend Section 2-407 of *The Benton County Code of Ordinances of Benton County, Arkansas* to Change the Amount and Timing of Transfer of Sales Tax Receipts to be Transferred from County General Fund to Capital Projects Fund;
Sponsor: JP Steve Curry.

County Attorney George Spence read the proposed ordinance by title only.

JP Curry made motion to approve the proposed ordinance, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent: Moehring

Second reading passed.

NEW BUSINESS:

- (A) Proposed Resolution Re-appointing Lezlie Ford as the Quorum Court Representative to the Benton County Equalization Board for a Three Year Term; Sponsor: JP Shirley Sandlin

County Attorney George Spence read the proposed resolution by title only.

JP Sandlin made motion to adopt, seconded by JP J. Harrison

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent: Moehring

Resolution duly adopted and assigned **No. R-2014-15.**

- (B) Proposed Resolution Re-appointing Pam Underwood as the Quorum Court Representative to the Benton County Equalization Board for a Three-Year Term; Sponsor JP Shirley Sandlin.

County Attorney George Spence read the proposed resolution by title only.

JP Sandlin made motion to adopt, seconded by JP Carr.

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent: Moehring

Resolution duly adopted and assigned **No. R-2014-16.**

- (C) Proposed Resolution Authorizing the Application for a Grant and Participation in FY 2014 Adult Drug Court Solicitation to Enhance Services, Coordination, and Treatment through the Bureau of Justice Assistance (BJA) and Substance Abuse and Mental Health Services Administration (SAMHSA);
Sponsor: JP J. Harrison

County Attorney George Spence read the proposed resolution by title only.

JP J. Harrison made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent: Moehring

Resolution duly adopted and assigned **No. R-2014-17.**

- (D) Proposed Resolution Expressing the Intent of the Quorum Court to Provide Appropriations to Allow the County to Continue to Contract with Cities in Benton County for Emergency Medical Services for 2015;
Sponsor: JP Kurt Moore

County Attorney George Spence read the proposed resolution by title only.

JP McKenzie stated that this is to express the Quorum Court's intent to provide funding to the cities for Emergency Medical Services for the year 2015.

JP McKenzie made motion to adopt, seconded by JP Sandlin.

JP Allen stated that he would support the proposed resolution, but that he did not see any need for it. He stated that he believes that it is in the best interest of the people in the county to continue as this resolution states.

JP Jones stated that if this says we are going to provide funding no matter what, and whatever idea that we present to the voters fails in November, then we are going to have to start over from scratch.

JP K. Harrison stated that he would not support the resolution. He stated that the JPs need to figure out the funding, and start looking at real alternatives, such as shutting down satellite offices in order to pay for it. He stated that by supporting this, they may be sending the wrong message to the cities, that we do not have to work together as a county to solve a problem.

JP Moore stated that unless we have solved the Emergency Medical Service (EMS) funding problem by 2015, we are going to have to fund EMS services.

JP Anglin stated that she would support this proposed resolution, and that the resolution makes it clear that it is the intent of the Quorum Court of Benton County to fund Emergency Medical Services (EMS), no matter where or how they get the money.

There being no further discussion, a roll call vote was recorded as follows:

11 yeas: McKenzie, Hernandez, J. Harrison, Allen, Adams, Jones,
Sandlin, Anglin, Moore, Carr, Meyers
3 against: K. Harrison, Chiocco, Curry
1 absent: Moehring

Resolution duly adopted and assigned **No. R-2014-18**

- (E) Proposed Resolution Expressing the Quorum Court’s Opposition to the Proposed Rule Amending the Definition of “Waters of the United States”; Sponsor: JP Susan Anglin.

County Attorney George Spence read the proposed resolution by title only.

JP Anglin stated that the Environmental Protection Agency (EPA) and Corps of Engineers have released a proposed rule to amend the definition of “U.S. Waters” and potentially expand the range of waters that fall under federal jurisdiction. She said that this could have a significant impact on Benton County and counties across Arkansas and the nation, and made motion to adopt, seconded by JP Chiocco.

After further discussion was held on opposing the proposed rule amending the definition of “Waters of the United States” a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent: Moehring

Resolution duly adopted and assigned **No. R-2014-19.**

- (F) Proposed Ordinance Amending Sections 2-516 and 2-523 of *The Code of Ordinances of Benton County, Arkansas*, All Regarding Benton County Employment Policy; Sponsor: JP Shirley Sandlin

County Attorney George Spence read the proposed ordinance by title only.

JP Sandlin made motion to adopt, seconded by JP J. Harrison.

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers
1 absent: Moehring

First reading passed.

- (G) Proposed Ordinance Amending Section 18-3 of *The Code of Ordinances of Benton County, Arkansas*, Related to the Collector of Fines Assessed in the Courts in Benton County, Arkansas; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed ordinance by title only.

JP Allen made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent: Moehring

First reading passed.

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) to Appropriate Additional Monies and Authorize Additional Expenditures in Department 0100, Historical Commission, Fund 3480; Sponsor: JP Jay Harrison

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP J. Harrison made motion to adopt, seconded by JP Curry.

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent: Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2014-34.**

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) to Create a New Fund to be Named “Hazard Mitigation Grant Program (HMGP) Grant Fund” and Numbered No. 3607 in Department 0500 Emergency services, to Amend *Schedule I – Revenues by Fund* to Reflect the Increase in Revenue and to Appropriate Additional Monies and Authorize Additional Expenditures Therein;
Sponsor: JP Steve Curry

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Curry made motion to adopt, seconded by JP Carr.

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent: Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2014-35.**

- (J) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Appropriating Additional Monies in Department 0403, Circuit Court Div. 4, Fund 3703;
Sponsor: JP Steve Curry

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Curry made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent: Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2014-36.**

- (K) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) to Appropriate Additional Monies and Authorize Additional Expenditures in Department 0108, Maintenance/Buildings & Grounds, Fund 4000; Sponsor: JP Steve Curry

County Attorney George Spence read the proposed ordinance by title only.

JP Curry made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent: Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2014-37**

- (L) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) to Appropriate Additional Monies and Authorize Additional Expenditures in Department 0400, Sheriff, Fund 3029; Sponsor: JP Barry Moehring

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Jones made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent: Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2014-38.**

- (M) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2013-83 (2014 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0418, Jail Operations & Maintenance, Fund 3017; Sponsor: Kurt Moore

County Attorney George Spence read the proposed ordinance by title only.

JP Moore made motion to adopt, seconded by JP K. Harrison.

There being no discussion, a roll call vote was recorded as follows:

14 yeas: McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones,
Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent: Moehring

Ordinance duly adopted and assigned **No. O-2014-39.**

- (N) Proposed Ordinance Establishing an Ambulance Service Improvement District Co-Extensive with the Boundaries of Benton County, Establishing in the Quorum Court the Authority to Levy up to Two-Tenths (0.2) Mills to Fund Such District's Operations, Referring the Matter to the Electors of the District at the November 4, 2014 General Election, and for Other Purposes;
Sponsor: JP Michelle Chiocco

County Attorney George Spence explained that the proposed ordinance is to establish an Ambulance Service Improvement District and that the Quorum Court has the authority to levy up to two-tenths of a mill to fund such district. He stated that proposed ordinance Item "P" is to establish an Emergency Medical Service District (EMSD) by establishing that the services are provided by a \$40 per household fee. He stated that the Emergency Medical Service District (EMSD) ordinance will require that the county hold a public hearing. He suggested that until a public hearing is held, they may want to consider reading the two ordinances tonight so that they will have the first reading on both, and then defer consideration on voting until after the public hearing.

JP Allen stated that three readings are not necessary for the proposed resolutions Items “O” and Item “Q”, and that they should wait to vote on those proposed resolutions. County Attorney George Spence stated that since they are not adopting anything tonight, he would recommend that they not read the two proposed resolutions.

County Judge Bob Clinard asked why the option to increase the road millage to offset the costs for road repairs and Emergency Medical Services (EMS) had not been discussed. JP Allen stated that 90% of what we collect in the road tax goes to the cities, Rogers, Siloam Springs and Bentonville, and they are the majority of the service providers that we are trying to raise money for. He stated that a road millage increase would generate approximately \$4.26 million, and the county would receive approximately \$900,000 with the balance going to the cities. He stated that would give the cities a \$3.3 million windfall that they did not even ask for, and that he would not agree with a road millage increase.

Lengthy discussion was held on the option of proposing a road millage increase to provide funds to help pay for Emergency Medical Services.

County Attorney George Spence read the proposed ordinance by title only.

JP Chiocco stated that this would encompass everyone in the county, and that this is the most equitable way to fund EMS service, and made motion to adopt, seconded by JP K. Harrison.

Discussion was held on reading Item “N” and Item “P” and then voting on them.

JP Hernandez stated that we need to begin speaking of we, not in terms of us and them when talking about providing ambulance service. He stated that we need to make a greater effort to inform the voters and get their support for this measure. He added that if we do a good job of stating our case and presenting the justification for this mileage, we will all benefit.

JP Allen stated that he does not support the millage increase at this time, and that the people he represents should not pay.

County Attorney George Spence stated that this ordinance would collect a tax countywide on all ad valorem property, to provide the availability of emergency medical services for the citizens of and visitors to Benton County in the unincorporated area of Benton County, not including that portion of the County which is included in the Northeast Benton County Emergency Medical Service District (NEBCO) as established by Ordinance No. 85-15.

Further lengthy discussion was held on the proposed ordinance to levy up to two-tenths mills on real and personal property to provide emergency medical services.

JP McKenzie stated that residents in NEBCO are not in favor of a millage increase because they are already paying with the fee that they voted in last year.

JP Carr stated that he had talked with his constituents and all but one told him that they would support a millage increase that would ensure ambulance service. He stated that the county needs to make a decision to pursue the millage or drop the idea of a dedicated funding source and find the money in the budget.

JP Chiocco made motion to withdraw her motion, second concurred.

JP Meyers made motion to ask that the County Judge arrange a public hearing to refer Items “N” and “P”, seconded by JP Sandlin.

Further discussion was held to set a public hearing date, and the need to have multiple town hall meetings to discuss the proposed ordinances.

County Attorney George Spence stated that they need to have a public hearing to meet the statutory requirements. He stated that he would encourage the court that by no later than the June 10, 2014 Committee of the Whole meeting that they establish a public hearing date for sometime in July. He stated that a 10-day public notice is required.

JP Meyers made a friendly amendment to refer Item “N” and “P” to a public hearing to be determined before the June 10, 2014 Committee of the Whole meeting, second concurred.

Due to JP Moehring being unavoidably absent he requested that his written comments regarding the proposed EMS Funding Options be attached and made a part of the minutes of this meeting.

There being no further discussion, a roll call vote was recorded as follows:

14 yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Moore, Carr, Meyers
1 absent:	Moehring

First reading passed.

- (O) Proposed Resolution Referring an Ordinance of the Quorum Court Establishing an Ambulance service Improvement District to the Electors of the District at the November 4, 2014 General Election; Sponsor: JP Michelle Chiocco
- (Q) Proposed Resolution Referring an Ordinance of the Quorum Court Establishing an Emergency Medical Services District to the Electors of the District at the November 4, 2014 General Election; Sponsor: JP Tom Allen

JP Hernandez made motion to table Items “O” and “Q” until the July 24, 2014 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by a unanimous voice vote.

- (P) Proposed Ordinance Establishing an Emergency Medical Service District for the Unincorporated Portion of Benton County Not Currently Part of the Northeast Benton County Emergency Medical Service District, Establish the Services to be Provided by the District, Establishing Fees to Fund the District, Including a \$40.00 Per Household Fee, Providing for the Per Household Fees to be Included on the Tax Bills of Residents of the District, and for Other Purposes; Sponsor: JP Tom Allen

JP McKenzie stated that Item “P” should be amended to allow for removal of any jurisdiction.

County Attorney George Spence stated nothing will be changed in the title, but the language requested by JP McKenzie will be added to *ARTICLE 2* of the proposed ordinance.

JP McKenzie made motion to amend Item “P” to add the language as read by County Attorney George Spence; seconded by JP J. Harrison.

There being no further discussion, a roll call vote was recorded as follows:

14 yeas:	McKenzie, Hernandez, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Carr, Moore, Meyers
1 absent:	Moehring

First reading passed.

Other Business:

JP Allen stated that he thinks that the revised fee plan is viable and that the county has made changes in the plan, in response to the opposition. He added that many of the people have said that if we reduced this to \$50, they would support it, and they have reduced the fee to \$40. He added that the people also wanted the county to have some skin in the game and that we have agreed that the county will be paying a share of the costs. He also stated that they wanted it to go to a vote and it is going to a vote in the General Election where there should be a bigger turnout.

Lengthy discussion was held on what information the court members would need to inform the public, and persuade voters, including city residents, to support a tax increase for rural ambulance service.

Accounting Manager Mike Crandall reported that \$80,472 has been collected for the Voluntary EMS Tax which is 8.5% of the EMS contracts with the cities this year.

Announcements:

None

Adjournment:

There being no further business to come before the court, upon motion and second the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk
Prepared by Janet Reaves